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|-----------------|-------------|----------------------|---------------------|------------------|
| 10/824,414      | 04/15/2004  | Timothy P. Scott     | 58316.0003          | 6480             |

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DARYL W SCHNURR  
MILLER THOMSON  
P.O. BOX 578  
22 FREDERICK ST SUITE 700  
KITCHENER, ON N2G 4A2  
CANADA

EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/824,414

Applicant(s)

SCOTT, TIMOTHY P.

Examiner

Steven M Marsh

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the first office action for U.S. Application 10/824,414 for a Keyboard Arm filed by Timothy P. Scott on April 15, 2004.

#### ***Claim Objections***

Claim 11 is objected to because of the following informalities: The word - - the - - should be placed between "tilting" and "support" in line 2. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1 and 16, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). In claim 2, Applicant claims "with said locking locations being with said first locked position". It is unclear what Applicant is attempting to claim. The claim is being examined to the best extent possible. Claim 6 recites the limitation "said plate" in claim 2. There is insufficient antecedent basis for this limitation in the claim, with respect to claims 1 and 2. Claim 7

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recites the limitation "said third pivot point" in line 2. There is insufficient antecedent basis for this limitation in the claim. Also, in claim 9, Applicant claims "two arcuate surfaces and two shoes". However, it appears that the arcuate surfaces and shoes are the same. The claim is being interpreted as if Applicant is claiming "arcuate surfaces".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent 6,279,859 B2 to West et al. West et al. discloses an articulating arm for

keyboards that has a bracket (11), a pivot member (40 and 50), and a support (21).

The bracket is pivotally mounted to a first end of the pivot member (40) at a first pivot point (58) and the support is pivotally mounted to a second end of the pivot member at a second pivot point (62). The pivot member has an arcuate surface (50 in relation to 40) extending from and attached to the first pivot point and the first pivot point has a first locked and unlocked position. The first locked and unlocked position is controlled by a brake (71) that is adjustably mounted to move into and out of locking contact with the arcuate surface, and the second pivot point has a second locked and unlocked position.

The first pivot point has an infinite number of locking locations in a pre-determined

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range and the brake is a plate. The limitations toward the method for forming the shoe and brake do not limit their structure and therefore have no patentable significance.

The plate has a third pivot point (60), and has an extended and unextended position relative to the third pivot point. The plate can be in the extended position when the brake is in a locked position and an unextended position when the brake is in the unlocked position. There is a link member (50) extending between the third and fourth pivot points and the link member is constructed to orient the support relative to the pivot member as the pivot member is oriented relative to the base. There are two arcuate surfaces (on each link 40 and 50) on the pivot member and two link members that interact with the brake. The support is constructed relative to the pivot members so that when the support is in a locked position relative to the pivot member, the pivot member and the bracket can be moved from a locked position to an unlocked position by manually tilting the support upward relative to the pivot member.

The first locked position is controlled by a first cable (81 or 82) and the second locked and unlocked position is controlled by a second cable (the other of 81 or 82). The brake has a spring (64) connected thereto to bias the brake to a locked position and the pivot member and the bracket can be moved from an unlocked position to a locked position by releasing the support while the support is in a locked position relative to the pivot member. The arcuate surface is mounted at a constant radius from the first pivot point and the constant radius is maintained as the arcuate surface pivots about the first pivot point (the attachment point at 58 doesn't change even when 40 is rotated). The brake is adjustably mounted at the third pivot point (60) and the brake has a smaller

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radius of rotation about the third pivot point, than a radius of rotation of the arcuate surface about the first pivot point (rotation around the third pivot point is limited by the attachment to the first pivot point). A path of the arcuate surface intersects with the path of the brake when the brake is in the extended position, and the paths of the arcuate surface and brake generally correspond to one another within a pre-determined range.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,791,263 to Watt et al.

U.S. Patent 6,343,775 B1 to Jones et al.

U.S. Patent 4,616,798 to Smeenge et al.

U.S. Patent 4,706,919 to Soberalski et al.

U.S. Patent 5,704,299 to Corpuz, Jr. et al.

U.S. Patent 5,765,797 to Greene et al.

U.S. Patent 6,098,935 to Kaplan et al.

U.S. Patent 6,397,763 B1 to Panzarella et al.


U.S. Patent 6,726,168 B2 to Barber

The above patents disclose keyboard or work surface supports.


Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
Steven M. Marsh

December 11, 2004

  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER